

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: LEGISLATIVE & RULES

DATE: AUGUST 7, 2013

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

SUPERVISORS MONROE
BENTLEY
MONTESI
GIRARD
SOKOL
WOOD
FRASIER

KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
MARTIN AUFFREDOU, COUNTY ATTORNEY
JOAN SADY, CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER
SUPERVISORS CONOVER
MASON
STRAINER
TAYLOR

AMY DREXEL, DEPUTY DIRECTOR OF THE OFFICE OF EMERGENCY SERVICES
KAREN PUTNEY, FIRE PREVENTION & BUILDING CODE ENFORCEMENT
ADMINISTRATOR
JAMES LIEBERUM, DISTRICT MANAGER OF THE WARREN COUNTY SOIL &
WATER CONSERVATION DISTRICT
DON LEHMAN, *THE POST STAR*
CHARLENE DiRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Monroe called the Legislative & Rules Committee meeting to order at 11:15 a.m.

Motion was made by Mr. Sokol, seconded by Mr. Montesi and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Copies of the agenda packet were distributed to the Committee members; *a copy of the agenda packet is on file with the minutes.*

Mr. Monroe advised the first item on the agenda pertained to a report on beaver dams in Warren County by Amy Drexel, Deputy Director of the Office of Emergency Services, and James Lieberum, District Manager of the Warren County Soil & Water Conservation District.

Ms. Drexel distributed copies of a letter prepared by Mr. Lieberum to the Committee members; *a copy of the letter is on file with the minutes.* Ms. Drexel said she, Mr. Lieberum and Paul Jensen, of the NYS DEC (New York State Department of Environmental Conservation) had toured the Johnsbury area searching for visible beaver dams on June 26, 2013 and the results of this were outlined in Mr. Lieberum's letter. She pointed out the letter detailed that not all beaver dams were potentially hazardous and 90% of the dams did not require any type of management. She commented there were beaver dams which could potentially negatively impact the Towns and/or County. She mentioned there were limitations to managing beaver dams on private property; however, she acknowledged, there were local laws in place which would allow the Town and County Superintendents of the DPW (Department of Public Works) to enter onto private property in order to complete management activities on beaver dams.

Mr. Monroe said he was very concerned about this issue as Potter Brook Road in Chestertown had washed out twice due to beaver dams. He commented this was a safety issue as well as a financial concern. Referring to the latest washout on County Route 11, he continued, this was an example of how a nuisance beaver dam could have a significant financial impact. He mentioned a previous

washout on Stock Farm Road in Chestertown. The underlying problem, he opined, was the County did not have an inventory or listing of the existing dam locations. He said the County Attorney had mentioned the Town and County DPW's could take measures to manage hazardous beaver dams. Mr. Monroe informed that an individual who ran another program in Chestertown which required them to walk the streams had offered information on the location of existing dams in order to enter the information into the GIS (Geographic Information System) Program. He advised there had been some indication the washout on County Route 11 in 2005 had been caused by a beaver dam and he noted the incident had cost the County in excess of \$3 million in damages, in addition to the millions of dollars expended by the State to repair the Northway.

Ms. Drexel stated an inventory or list of existing beaver dams was a good idea; however, she noted, the number and location of dams would be constantly changing. She noted the Town Highway Superintendents would be aware of beaver dams which were close to roadways but not the dams which were hidden by wooded areas. Mr. Montesi suggested monthly visual inspections of known problem areas should be completed. He advised Halfway Brook in the Town of Queensbury had three beaver dams between Bay Road and Ridge Road which sometimes caused flooding on the golf course. He noted the three dams were in the middle of wetlands and would be difficult to dismantle. He opined that although the location of dams would change, an inventory was needed, as well as monthly visual inspections, especially during rainy seasons.

Mr. Lieberum said management of the beaver dams would be a process but it would be necessary to work in conjunction with the Town and County Highway Superintendents. He advised aerial imagery could be utilized to assist in the inventory of beaver dams. Mr. Lieberum explained the formula for calculating the volume of water in a beaver dam which was detailed on page two of his letter. Pertaining to assessment of dams on private property, he stated, it was necessary to determine if it was possible to work with the land owner to legally access the property. He noted the County DPW currently dealt with six or seven nuisance beaver dams by working with cooperative land owners. He cautioned the County to look into possible liabilities of managing beaver dams on private property. He commented trapping the beavers required continual trapping as they would keep returning if the food source remained. He mentioned the possibility of offering a bounty for beaver tails for individuals who possessed a permit to kill beavers.

Pertaining to the possibility of trapping, Mr. Lieberum commented the NYS DEC was not currently issuing live trapping permits. He noted trapping live beavers raised the question of where to release them as they were territorial animals. He advised the NYS DEC permit required a slow release of the beaver dams which required it to be taken down in stages. He added this was an issue if all of the beavers were not trapped as they would continue to rebuild. Mr. Monroe pointed out removing a beaver dam risked causing damage downstream. Mr. Lieberum agreed and added beaver dams required proper dismantling by knowledgeable individuals. A brief discussion ensued pertaining to trapping beavers.

Mr. Montesi mentioned the possibility of contracting with the Warren County Soil & Water District for management of the beaver dams and Mr. Lieberum replied he could bring the issue before the Board of Directors; however, he added, it would be important to work in conjunction with the Office of Emergency Services. Mr. Girard stated this was the first time he had heard of the possibility of trapping or offering a bounty and he asked if the County should discuss these options further. Mr. Lieberum responded that trapping and bounties had worked in the past and he pointed out legal trapping licenses were required. Mr. Montesi asked if a trapping permit was required to obtain a permit to kill beavers and Mr. Lieberum replied in the negative. Mr. Monroe pointed out many Towns

contracted with trappers to deal with nuisance beavers blocking culverts, etc. Mr. Girard asked if offering a bounty for beavers should be considered and Mr. Lieberum cautioned this could cause a public perception problem. Mr. Lieberum stated he had originally made the bounty comment jokingly but it could be a lower cost option to manage the nuisance beavers.

Following further discussion on the matter, it was the consensus of the Committee to authorize Ms. Drexel and Mr. Lieberum to work together to prepare a proposal of the costs involved for an inventory and evaluation plan on beaver dams which may be problematic and potentially damaging and report back to the Committee, pending the approval of the Warren County Soil & Water Conservation District Board of Directors.

Mr. Monroe stated the next item on the agenda was a discussion regarding support of the Biomass Thermal Utilization Act of 2013. He said he had been involved with this matter through the Adirondack Park Local Government Review Board and the Adirondack Association of Towns and Villages. He opined the Biomass Thermal Utilization Act of 2013 had tremendous potential to benefit the economy of the Adirondacks, in particular Warren County. He apprised Warren County spent millions of dollars each year to purchase oil and encouraging Biomass Thermal Heating was a means to keep that money local, create new jobs for contractors and utilize our natural wood resources. He stated NYSERDA (New York State Energy Research and Development Authority) currently offered significant incentives for solar or photo-voltaic electricity but there was no similar incentive for Biomass Thermal Heating. He mentioned he had met with representatives from NYSERDA and the Governor's Office to determine why incentives were not offered and was informed that NYSERDA was funded by the System Benefit Charge which were fees collected through billing for electricity. Mr. Monroe stated it did not seem there was any effort in New York State to create incentives for Biomass Thermal Heating. He informed of an email he received last week from the Northern Forest Center notifying that this Bill had been introduced in Congress by two Congressmen from the State of Maine. He opined Biomass Thermal Heating would provide a residential renewable energy with a 30% investment tax credit for all residential heating systems and 15-30% investment tax credit for commercial heating systems. He stated the Warren County Board of Supervisors should support the Biomass Thermal Utilization Act of 2013 and he noted he had contacted Congressman Gibson's Office to determine his willingness to co-sponsor the Bill. He explained these residential heating systems were used extensively in Europe and resulted in approximately 50% savings on fuel costs. He suggested the County should encourage Congressman Owens to offer his support of the Bill, as well.

Motion was made by Mr. Bentley, seconded by Mrs. Wood and carried unanimously to authorize a resolution supporting the proposed Biomass Thermal Utilization Act of 2013 and encouraging Congressman Owens to offer his support of the Bill. *The necessary resolution was authorized for the August 16, 2013 Board meeting.*

Mr. Monroe advised the Town of Lake George had gone through the necessary steps to enact a local law requiring mandatory boat inspections and/or washes for all vessels entering Lake George. He stated this local law only covered Lake George and he felt it was important to follow suit for all bodies of water in Warren County. He commented the process was lengthy and if the County wanted a local law in place by May of 2014, they should commence soon. Mr. Bentley said the Loon Lake Association was in favor of mandatory boat inspections and/or washes. Mr. Monroe agreed and said he had met with the Loon Lake Association recently to discuss the matter.

Following a brief discussion, motion was made by Mr. Bentley, seconded by Mr. Montesi and carried unanimously to refer the issue for consideration of a local law regarding mandatory boat inspections and washing on all bodies of water in Warren County to the Invasive Species Sub-Committee.

Mr. Strainer stated he had been watching YNN (Your News Now) last night and viewed a report pertaining to a Republican Assemblyman from Fishkill and a Democratic Senator from Rhinebeck attempting to garner support for a Constitutional Amendment prohibiting New York State from continuing to pass down unfunded mandates to the Counties and Towns. He suggested the Committee look into the matter further to determine if the County could offer support. He noted a Constitutional Amendment was a lengthy process which could take four or more years to complete. A brief discussion ensued.

Pertaining to the pending item, Martin Auffredou, County Attorney, informed the State Liquor Authority would be holding a Public Hearing in the Supreme Court Room at 6:00 p.m. on either Wednesday, September 4, 2013 or Thursday, September 5, 2013 regarding the request that bars in Warren County close at 3:00 a.m. instead of 4:00 a.m. He said he was awaiting confirmation on which date would be selected.

As there was no further business to come before the Legislative & Rules Committee, on motion made by Mr. Bentley and seconded by Mr. Sokol, Mr. Monroe adjourned the meeting at 11:54 a.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist